



Asset Management Department
56 rue de Lille
75007 PARIS

TENDER RULES (TR)

PUBLIC PROCUREMENT OF INFORMATION AND COMMUNICATION TECHNOLOGIES

ACQUISITION OF MOBILE PHONE RECORDING AND RELATED SERVICES

Deadline for receipt of tenders:

MONDAY 02 DECEMBER 2024 at 11:30 a.m.

Deadline for questions: **22/11/2024**

Date questions are answered: **26/11/2024**

Invitation to Tender no.:20245220

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Caisse des Dépôts strongly encourages applicants to respond directly online, using the "DUME" form, available via the solution: <https://dume.chorus-pro.gouv.fr>

The DUME (European Single Procurement Document): a national scheme serving companies

What is it?

- The DUME enables you to tender for a public contract using your SIRET number. The amount of information required is reduced.
- This online form, pre-filled **using only the SIRET number**, enables applicants to have their identity data (company name, legal form, chief executive, address, sales figures if available, etc.) taken into account, and enables the system to collect attestations and certificates from reference administrations.
- **When using the DUME, the applicant submits its application file and tender in electronic form on the website www.marches-publics.gouv.fr.** Applicants are invited to refer to the provisions of these rules governing submission of electronic tenders.

What are the system's advantages?

- You no longer need to produce all the application documents (DC1 and DC2 forms, etc.).
- Time-saving
- Less expensive dispatch
- Fast, secure access to your confidential information

Are you eligible for this scheme?

- All economic operators can take part in this scheme:
 - If you are applying alone, with a co-contractor or a subcontractor: you can apply via the DUME system, but the documents relating to the co-contractors and subcontractors must be submitted with the tender.

How does it work on marches-publics.gouv.fr?

- Easy search for invitations to tender on a solution

How do you apply?

- Once you have logged in, enter your SIRET number and complete the form pre-filled with your identity data.
All you have to do is complete:
 - The Sworn Statement regarding tax, social security and insurance obligations.
 - Information on your financial capacity and workforce

How do you submit your offer?

- Once the form has been validated, you must also attach your technical and financial offer to your submission, as well as any application documents requested but not included in the DUME form.

No signature is required when submitting an application or tender.

1 - Subject and scope of the invitation to tender

1.1 - Subject

This invitation to tender concerns **the acquisition of mobile phone recording services and other related services.**

Place(s) of performance: The services will mainly be provided remotely.

1.2 - Procurement method

The procurement procedure used is **the open invitation to tender** and is subject to the provisions of Articles L. 2124-2, R. 2124-2 1° and R. 2161-2 to R. 2161-5 of the French Public Procurement Code.

1.3 - Breakdown of the invitation to tender

The services in this invitation to tender are not apportioned.

The Framework Agreement is **awarded to one economic operator (single-tenderer).**

1.4 - Contract type

This invitation to tender gives rise to a **framework agreement at unit prices, with no minimum amount but with a maximum amount set at €240,000 excluding tax over the total duration of the Framework Agreement.**

This Framework Agreement with purchase orders is governed by Articles L2125-1 1°, R2162-1 to R2162-6 and R2162-13 to R2162-14 of the French Public Procurement Code.

Purchase orders are allocated without reopening of competition; issuing procedures are detailed in Article 1.4 of the SSAC.

1.5 - Scope of services

The total cost of services, on an indicative and provisional basis, for the total duration of the 9-year Framework Agreement is estimated at €160,000 excluding tax (including duration of the contract and duration of the archiving period).

The maximum amount is set at €240,000 excluding tax.

1.6 - Nomenclature

Classification consistent with the Common Procurement Vocabulary (CPV) is:

Main code	Description
64212000-5	Mobile phone services

Internal nomenclature breaks down as follows:

Nomenclature	Wording
7009	Outsourced document and data processing

1.7 - Performance of similar services

The Purchaser reserves the right to award the Holder of the Framework Agreement a new contract for similar services at a later date, pursuant to Article R. 2122-7 of the French Public Procurement Code.

2 - Tender conditions

2.1 - Tender validity period

The validity period for tenders is **180 days** as from the deadline for receipt of tenders.

2.2 - Legal form of the consortium

Applications by consortiums are permitted. The consortium can be in any form. No particular form will be imposed on the consortium to which the Framework Agreement is awarded.

Applicants are prohibited from submitting several tenders by acting as individual applicants and as members of one or more consortiums, or as members of several consortiums.

In the event of subcontracting, the applicant, whether a single company or consortium, must indicate in its tender the identity of the subcontractors it intends to use, as well as the nature of the subcontracted services and their amount.

Notification of the Framework Agreement to the applicant implies the Purchaser's acceptance of the subcontractors presented and approval of their terms of payment. Direct payment may only be made for amounts in excess of €600 including tax. Nevertheless, the Holder of the Framework Agreement retains the right to present subcontractors for acceptance by the Purchaser during performance of the Framework Agreement.

Details concerning consortiums of economic operators

A co-contracting exchange service is on offer on the "companies" portal the French State's purchasing profile (Government Procurement Solution: PLACE), used by ministries and State-owned public institutions. The service is designed to facilitate contact between companies wishing to tender for public procurement contracts as a consortium of economic operators.

Information sheets and instructions for use of the service are available at the following addresses:

- https://www.marches-publics.gouv.fr/docs/outils-esr-2017/place/Bourse_cotraitance_mode_emploi6.pdf
- <https://www.economie.gouv.fr/dae/bourse-a-cotraitance-service-pour-aider-entreprises>

2.3 - Possible variants and additional services

Applicants may only submit one tender, referred to as the "basic tender".

Variants and possible additional services (PAS) **on the applicant's initiative are not authorised**. All variants and PAS **proposed by applicants will be rejected** without examination. **However, rejection of a variant or PAS will not lead to rejection of the basic tender, provided the latter is individualised and distinct from the variant or PAS.**

Technical characteristics are detailed in the SSTC.

2.4 - Conflict of interest situations

Pursuant to Article L 2141-8 of the Public Procurement Code, the Purchaser may exclude from the procurement procedure persons who:

1° have either set out to unduly influence the Purchaser's decision-making process or to obtain confidential information likely to give them an undue advantage during the procurement procedure, or have provided misleading information likely to have a decisive influence on exclusion, selection or award decisions;

2° Or, through their prior direct or indirect participation in the preparation of the procurement procedure, have had access to information likely to distort competition in relation to other applicants, when this situation cannot be remedied by other means.

3 - Contract conditions

3.1 - Contract duration and renewal

The Framework Agreement is concluded for an initial firm period of two (2) years from the date of its notification, and may be tacitly renewed two (2) times, for a period of one (1) year, without its total duration exceeding four (4) years. It is also stipulated that each recording will be archived for 5 years after the end of the Framework Agreement, and then destroyed. This brings the total duration of the Framework Agreement to 9 years, including renewals.

The provisional date for notification of the Framework Agreement is January 2025.

3.2 - Essential financing and payment procedures

The services will be financed as follows: Non-deferred payment from the Purchaser's own budget.

Pursuant to the provisions of Article R2192-10 of the French Public Procurement Code, sums due to the Holder and any first-tier subcontractor(s) shall be paid within 30 days from the date of receipt of requests for payment by the Purchaser or any other person authorised for this purpose. When the sums due in principal have not been paid on expiry of the payment deadline, the Holder(s) or subcontractor(s) referred to in the previous paragraph are entitled, without having to request it, to payment of default interest as well as a fixed indemnity for collection costs, the amount and payment deadline of which are determined in application of Articles R.2192-31 to R.2192-36 of the French Public Procurement Code.

4 - Contents of the Request for Tenders

The Request for Tenders (RFT) contains the following documents:

- **These Tender Rules (TR);**
- **The Financial Appendix including:**
 - **Schedule of Unit Prices (SUP);** contractual document
 - **Bill of Quantities (BOQ),** a non-contractual document used to analyse tenders;
- **The Schedule of Specific Administrative Clauses (SSAC) and its appendices:**
 - protection of personal data (GDPR Appendix),
 - "Information Systems Security Rules for Service Providers
 - Appendix bearing on the declaration of non-conflict of interest
 - Appendix bearing on the Invoicing Procedure
- **The Schedule of Specific Technical Clauses (SSTC);**
- **The Technical Response Framework (TRF);**
- **The "Outsourced Services Questionnaire" with appendices:**
 - - **Emergency and Business Continuity Plan (PUPA)**
 - - **Details of the crisis management system**
 - - **Details of the IT Disaster Recovery Plan (DRP)**
 - - **Reversibility policy**
 - - **GDPR policy**
- **The "SaaS Questionnaire".**

The invitation to tender's documents can only be accessed electronically, on the French Government's procurement platform (PLACE), at the following email address: www.marches-publics.gouv.fr

No request to send the RFT on a physical electronic medium is authorised.

The Purchaser reserves the right to make detailed modifications to the RFT. In such case, applicants must respond on the basis of the modified RFT.

If the deadline for receipt of tenders is extended, the previous provision applies in relation to the new deadline for receipt of tenders.

5 - Presentation of applications and tenders

The Purchaser applies the "Tell us once" principle. Consequently, applicants are not required to provide documents and information that have already been submitted in the context of a previous invitation to tender and which remain valid.

The following documents must be completed in French, using the French version:

- The signed 'acte d'engagement'. Its signature implies acceptance of the French version of the CCAP
- The CRT '20245220-CRT.xlsx'.
- The PSEE questionnaire 'MVR_évaluation des offres_questionnaire PSEE.xlsx'.
- The 1st tab 'Mandatory SSI Questionnaire' of the 'Unified SaaS Questionnaire - 4 sections C3C4 Security - RGPD - Architecture - Accessibility.xlsx'.

The other tabs of the 'Mandatory SSI Questionnaire' of the 'Unified SaaS Questionnaire - 4 parts C3C4 Security - RGPD - Architecture - Accessibility.xlsx' as well as the other questionnaires and documents requested, for example BCP/PUPA, Quality Plan, etc. and the Tenderer's internal documents (certifications, commercial presentations, security policy, etc.) may be at the Bidder's choice in French and/or in English. In the event that the Tenderer provides a document in both French and English, the French version shall prevail.

Applicants' tenders must be written entirely in French and expressed in EUROS.

If applicants' tenders are written in another language, they must be accompanied by a French translation. Such translation must cover all the documents submitted with the tender.

Each applicant must produce a complete file including the documents specified below in the application and tender files.

5.1 - Application file

Application documents as provided for in Articles L. 2142-1, R. 2142-3, R. 2142-4, R. 2143-3 and R. 2143-4 of the French Public Procurement Code:

- Information concerning the company's legal status:

Texts	Signature
Sworn Statement justifying that the applicant does not fall into any of the cases of disqualification provided for in Articles L.2141-1 to L.2141-6 of the French Public Procurement Code (see DC1 or DUME form to be completed)	No

- Information on the company's economic and financial capacity:

Texts	Signature
Declaration of total turnover and turnover relating to the services covered by the contract over the last three available financial years (see DC1 or DUME form to be completed)	No

- Information on the company's professional references, technical capacity and certification:

Texts	Signature
Declaration of the applicant's average annual workforce and number of supervisory staff for each of the last three years (see DC2 form to be completed or DUME).	No
List of main services provided over the past three years, indicating amounts, dates and recipients. They are proven by certificates from recipients or, failing this, by a declaration from the applicant.	No

To apply, applicants may use:

- either forms DC1 (application letter) and DC2 (applicant's declaration) available free of charge at <https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat>,
- or the European Single Procurement Document (DUME), available on the Purchaser profile or at the following address:
<http://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32016R0007&from=FR>

In order to prove the professional, technical and financial capacities of other economic operators on which it relies to present its application, the applicant shall produce the same documents concerning such economic operator(s) as those required of it by the Purchaser. In addition, to prove that it has such economic operator's capacities available in order to perform the services, the applicant must produce a written undertaking from the economic operator.

Overall assessment is made of the professional, technical and financial capacities of the consortium's members: It is not necessary for each company to have the capacity required to perform the services covered by the invitation to tender.

5.2 - Tender file

Simply by submitting a tender, the applicant acknowledges that it has read the RFT documents and accepts their terms without reservation.

Submission of the tender alone constitutes an undertaking by the applicant to subsequently sign the Deed of Commitment pertaining to the Framework Agreement which may be awarded to it. Any failure to sign, delay or concealment exposes the tenderer to a liability action.

Please note: Applicants presenting themselves with a subcontractor can respond electronically via the DUME system and declare the subcontracting by submitting form DC4 and the other application documents requested as attachments to the tender.

With regard to their tenders, applicants shall submit the following documents:

Texts	Signature
The Financial Appendix containing the: <ul style="list-style-type: none">• Schedule of Unit Prices• The Bill of Quantities.	No
Applicant's completed Technical Response Framework (including responses relating to CSR provisions)	No
The completed SaaS Questionnaire	No
The completed "Outsourced Services Questionnaire"	No
<ul style="list-style-type: none">- The Safety Assurance Plan (SAP) provided by the applicant- The Quality Assurance Plan (QAP) provided by the applicant- GDPR:<ul style="list-style-type: none">o a list of the service provider's technical and organisational security measureso The list of subsequent data processors within the meaning of the GDPR and any transfers of personal data outside the EU.	No
Subcontracting agreement (if applicable)	No

6 - Conditions of dispatch and delivery of tenders

Applicants should note that electronic signatures are not required when submitting electronic tenders.

Applicants are solely responsible for the delivery of their tenders, which must be received, and not simply sent, before the deadline for receipt of tenders set out on the cover page of these rules.

6.1 - Electronic transmission

Pursuant to Articles L.2132-2 and R.2132-7 of the French Public Procurement Code, tenders must be submitted electronically via the French Government's procurement platform (PLACE) at the following email address: <https://www.marches-publics.gouv.fr>.

In cases of successive submissions, the completeness of the files concerned is examined in the light of all the tenders submitted. However, in the event of successive transmission of one and the same element, only the most recent version will be analysed. No paper faxes or emails will be accepted, except for backup copies.

Applicants and tenderers will find a downloadable "user's guide" on the aforementioned website, setting out the conditions for using the Government's procurement platform, including technical prerequisites and electronic certificates.

The cost of accessing the network and using the electronic signature is borne by each applicant.

Applicants are invited to test their workstation configuration and take part in a test tender in order to ensure that the IT environment is working properly.

Help is available on the website to explain how to submit electronic tenders. Several documents and items of information are available in PLACE's "Help" section:

- User's manual to facilitate operation of the platform;
- Hotline;
- Self-training module for applicants;
- FAQ;
- Computer tools.

Applicants can ask questions about the invitation to tender's documents.

After the tender has been submitted on the platform, a message indicates that the submission operation has been carried out successfully, and an acknowledgement of receipt is sent to the applicant/tenderer by email, giving a specific date and time for the submission, with the date and time of the end of receipt as reference.

The absence of a confirmation of receipt message or electronic acknowledgement of receipt means that the response has not been received by the Purchaser.

The economic operator must ensure that messages sent by the Government's procurement platform (PLACE), in particular nepasrepondre@marches-publics.gouv.fr, are not treated as spam.

If you encounter any difficulties with the solution:

An online help service is available via the following link <https://www.marches-publics.gouv.fr/faq/?token=db131840-f430-4dff-bf6b-26a4abed61c2> or via the solution's "Help" tab.

The online help service enables you to search for answers via FAQs, filtering by category.

If the FAQs do not provide you with a complete answer, you can fill out a form to create a online request. The online request form enables you to retrieve your login details and frontload your request.

A telephone support service is also available for companies wishing to tender for public contracts. The number is communicated after validation of the aforementioned form.

This service is intended for people familiar with the use of office tools in general (Windows Explorer, file manipulation, ZIP folders, etc.) and the Internet in particular.
Before contacting telephone support, please make sure you have downloaded and consulted the guides available in the "Help" section.

The support service is open from 9 a.m. to 7 p.m. on working days.

Timestamping

Electronically transmitted applications and/or tenders are timestamped. Any tenders received after the date and time specified in this invitation to tender will be considered untimely and rejected.

If the platform is unavailable, the deadline for submission of tenders may be changed.

Backup copy:

In addition to submitting their tenders electronically, applicants may also send a backup copy on a physical electronic medium or on paper. Such backup copy must be sent or submitted to the following address: Caisse des Dépôts - Guichet accueil coursiers - 5 quai Anatole France - 75356 Paris 07 SP (Guichet opening hours: Monday to Friday, 9 a.m. to 12 noon and 2 p.m. to 4 p.m.), no later than the deadline for receipt of tenders set out in these rules.

Such copy must be sent in a sealed envelope bearing the applicant's name, case number and the words "backup copy".

At minimum, the backup copy must include all the documents and information required of applicants under the terms of these rules.

The backup copy is opened in the cases referred to in Article 2 of the Order of 22 March 2019 setting out the procedures for making tender documents and backup copies available (NOR: ECOM1831545A).

Accepted file formats:

In order to be able to read the documents posted online by the Purchaser, applicants must have software that can read the following formats: pdf; doc; xls; ppt; zip.

Compatible formats that the Purchaser can read are the following: pdf (Adobe Acrobat version 2010 or earlier); doc (Word version 2010 or earlier); xls (Excel version 2010 or earlier); ppt (PowerPoint version 2010 or earlier); zip.

Consequently, documents submitted via the platform must be in one of these formats or in a format compatible with them.

The applicant is asked not to: use certain formats, especially ".exe"; use certain tools, especially "macros"; create electronic folders whose total size exceeds 150 MB.

Each document requiring a signature must be electronically signed in XAdES, CAdES or PAdES format. Electronic signature of the folder does not constitute signature of the documents it contains.

Electronic signature of the contract by the successful tenderer is not required for this invitation to tender.

After award, applicants are informed that the selected electronic tender may be transformed into a paper tender, so as to enable handwritten signature of the Framework Agreement by the parties. The cost of accessing the network and using the electronic signature is borne by the applicants.

Best practices:

Applicants are invited to create their "Company Space " on the PLACE solution. Applicants can find all their RFT withdrawals on this solution. Registration is an obligatory prerequisite for corresponding with the Purchaser during each invitation to tender (Questions/Answers, Submission of applications and tenders, etc.). It also enables you to benefit from an invitation to tender alert service (in particular any clarifications or postponements of deadlines).

Applicants will not be able to make any claim if they do not have all the additional information distributed by the dematerialisation solution over the course of this Invitation to Tender, due to an error they may have made in entering their email address, or if said email address is deleted.

Applicants' attention is drawn to the importance of the email addresses they enter on the upload solution, given that:

- additional information may be published on the dematerialisation solution during the Invitation to Tender period (answers to questions, modifications, etc.).
- award and rejection letters, and the Deed of Commitment will be sent via the solution.

It is therefore advisable to provide the email address of the applicant's main interlocutor as a priority, as well as replacement address(es) in the event of the latter's absence.

6.2 - Paper transmission

The Purchaser requires that tenders be submitted electronically for this invitation to tender. Consequently, no paper transmission is authorised.

6.3 - Electronic transmission with the "DUME" form

6.3.1 - Prerequisites for responding via DUME

Applicants can submit their applications by filling in the DUME form accessible: - from the PLACE service - from the following URL address <https://dume.chorus-pro.gouv.fr> The sections of the form relating to information on the economic operator, grounds for exclusion, selection criteria and, where applicable, reduction in the number of qualified applicants, must be completed.

Applicants must attach any other application documents required by the Purchaser (including those relating to any co-contractors or subcontractors) and which are not available on the DUME form.

6.3.2 - Content of the application and tender

By submitting an electronic tender on the DUME partner site <https://www.marches-publics.gouv.fr>, applicants can complete the administrative aspects of their application (administrative and identity data, tax and social compliance declarations) based solely on their SIRET number, by completing the pre-filled DUME form.

Applicants must attach any other application documents required by the Purchaser (including those relating to any co-contractors or subcontractors) and which are not available on the DUME form.

7 - Examination of applications and tenders

7.1 - Selection of applications

The Purchaser will examine the application file of the applicant whose tender has been ranked first in the ranking of tenders, pursuant to Article 7.2 of these Tender Rules, and will assess its legal situation as well as its professional, technical and financial capacities with regard to the documents and information produced pursuant to Article 5.1 of the TR.

If the applicant is in one of the situations referred to in Article R.2144-7 of the French Public Procurement Code, its application will be eliminated as provided for in the aforementioned article.

In the event that the applicant whose tender has been ranked first is unable to provide the documents and guarantees requested for the application, its tender will be rejected and the Framework Agreement will be awarded to the applicant immediately following it in the order of ranking of tenders and whose tender has been deemed compliant.

7.2 - Framework Agreement award criteria

Tenders will be judged under the conditions provided for in Articles L.2152-1 to L.2152-4, R. 2152-1 and R. 2152-2 of the French Public Procurement Code, and will result in a ranking of tenders.

The criteria used to judge the tenders are specified in the Technical Response Framework.

Each tender will be given a score for each of the above criteria, with the corresponding weighting coefficient assigned to it. The sum of the weighted scores obtained will determine the overall score obtained by the tender.

Tenders assessed in this way will be ranked according to the overall score obtained, in descending order.

When examining tenders, the Purchaser reserves the right to ask applicants to clarify or supplement the content of their tenders. In particular, it may ask to be sent any breakdowns or sub-details of the prices used to draw up the price list that it considers necessary.

Such requests for clarification or additional information may be addressed to the applicants concerned via the Framework Agreement solution. However, under no circumstances may they lead to changes in the Framework Agreement's characteristics or conditions of performance. Such requests may also take the form of hearings if that format is better suited to expression of questions and answers. In such cases, minutes of hearings will be drawn up in order to establish that no negotiations took place and that exchanges were limited to clarifications on or additions to the content of the tenders in question.

With the exception of those eliminated for one of the reasons set out in Articles L.2152-1 and L.2152-6 of the French Public Procurement Code, tenders will be given a score for each of the above criteria, to which the weighting coefficients defined for each criterion will be applied. Tenders so rated will be ranked according to their overall score, in descending order. The Framework Agreement will be awarded to the applicant whose tender is ranked first.

The Purchaser may also ask applicants to rectify any purely material errors (such as multiplication, addition or carry-over errors) found in their tenders. Totals so corrected by applicants will be taken into account in assessment of their tenders. If the modification is refused, the tender will be eliminated as irregular.

No new proposal from the applicant that is likely to modify the basic tender will be accepted.

The Purchaser may terminate the procedure at any time, without further action.

7.3 - Documents to be produced by the prospective applicant for award of the Framework Agreement

Once the Framework Agreement has been awarded, the Purchaser will send the successful tenderer **the Framework Agreement's Deed of Commitment, which must be returned to the Purchaser signed by a person authorised to commit the company.**

The procedures for signing and returning it will be described in the letter awarding the Framework Agreement.

The applicant to which the Purchaser plans to award the Framework Agreement must also produce the certificates and attestations specified in Articles R.2143-6 to R.2143-10 of the French Public Procurement Code, namely:

- Upon award of the Framework Agreement:
 - o Attestations and certificates issued by the competent authorities and organisations proving that it has met its **tax obligations**;
 - o The completed and signed Sworn Statement, to be provided by the legal entity acting on its and its operators' behalf, that they are not in a conflict of interest situation (see blank Statement attached to the RFT).
- Upon award of the Framework Agreement and every six (6) months thereafter until completion of the Framework Agreement:

1/ The documents specified in article D. 8222-5 of the French Labour Code:

- A certificate of provision of social security declarations and payment of social security contributions, as provided for in Article L. 243-15 of the Social Security Code, issued by the social security body responsible for collecting contributions, and dated less than six months (**URSSAF certificate**);
- When the applicant's registration in the Trade and Companies Register or Trade Directory is compulsory, or when its profession is regulated, proof of registration, less than three months old, which may be one of the following documents:

- a) An excerpt from the entry in the **Trade and Companies Register (K or K bis)**;
- b) An identification card proving registration in the Trade Directory;
- c) A quotation, advertising document or piece of professional correspondence, provided that it features the name or corporate name, full address and registration number in the Trade and Companies Register or Trade Directory, or on a list or roll of a professional order, or the reference of the approval issued by the competent authority;
- d) A receipt for the filing of a declaration with a Business Formalities Centre for individuals in the process of registering.

If the applicant is established or domiciled abroad, it must produce, instead of the documents mentioned in 2) above, the documents provided for in Articles D. 8222-7 and D. 8222-8 of the French Labour Code.

2/ As part of the fight against clandestine labour, and in application of Articles L.8254-1 and D.8254-2 to 5 of the French Labour Code, the following document must also be produced:

- **A list of the names of foreign employees employed by the applicant and subject to the work permit requirement** provided for in Article L.5221-2 of the French Labour Code. For each employee, this list must specify their date of hire, nationality and type and serial number of work permit.
- **Or a Sworn Statement if no foreign workers are employed.**

Applicants established in a country other than France must produce a certificate issued by the authorities and organisations in their country of origin. Where such a certificate is not issued by the country concerned, it may be replaced by a sworn statement, or in States where no such document exists, by a solemn declaration made by the person concerned before the competent judicial or administrative authority, a notary or a qualified professional body in the country.

The documents referred to above, drawn up by foreign organisations, must be in French or accompanied by a French translation.

These documents are to be submitted on www.provigis.com, the PROVIGIS solution commissioned by Caisse des Dépôts to collect legal documents. The document deposit service is free of charge.

7.4 - Follow-up to the Invitation to Tender

The highest-ranked tender will therefore be **provisionally accepted** until the applicant(s) produce(s) the certificates and attestations required under Articles R. 2143-6 to R. 2143-10 of the French Public Procurement Code. The deadline set by the Purchaser for submission of these documents may not exceed **ten (10) days**.

Failure to produce these documents by the deadline will result in rejection of the tender and elimination of the applicant concerned.

The applicant whose tender is ranked next will then be asked to produce the aforementioned certificates and attestations with a view to being awarded the Framework Agreement.

8 - Further information

For any additional information concerning this Invitation to Tender, applicants must send their requests via the Purchaser's profile on the French Government's procurement platform (PLACE), whose URL address is as follows: <https://www.marches-publics.gouv.fr>

Such requests must be made **no later than ten (10) days** before the deadline for receipt of tenders, or **22/11/2024**.

A reply will then be sent to all the companies that have withdrawn the file or downloaded it after identification, **six (6) days at the latest** before the deadline for receipt of tenders, namely the **26/11/2024**.

9 - Description of the dematerialisation process

Pursuant to Article R 2132-7 of the French Public Procurement Code, responses to this Invitation to Tender must be submitted electronically.

Applicants can download the Request for Tenders and ask questions and are obliged to submit their applications and tenders via the platform dedicated to the Purchaser.

In compliance with the legal and regulatory provisions applicable to the Invitation to Tender, transmissions, exchanges and storage of information are carried out by the Purchaser in such a way as to ensure data integrity and the confidentiality of applications and tenders.

The Purchaser may not be held liable for any indirect damage that may result from the use of the site used for dematerialisation of procedures. In the event of direct damage for which it is liable, the Purchaser may only be required to pay compensation up to a maximum of €15,000.

9.1 - Notice and recommendations

All electronic documents constituting the applicant's application and tender must be received before the deadline for receipt of tenders indicated on the cover page of these Rules.

The date and time of receipt of applicants' electronic tenders are established by the solution's timestamping system. Applicants submitting electronic tenders on the solution explicitly accept their timestamping.

Only the time at which the complete tender is received shall prevail. It will be evidenced by an electronic acknowledgement of receipt on which it appears. If no acknowledgement of receipt is received, it means that the tender has not been received by the Purchaser.

It is therefore up to applicants to take account of the time required to send their files in order to comply with these deadlines, in particular in the case of large files.

Please note that upload times depend on the speed of the applicant's Internet access and the size of the documents to be transmitted. It is therefore advisable to allow a reasonable amount of time for the various stages involved in submitting an electronic tender, in order to meet the deadline for receipt of tenders.

For information, with an effective bandwidth of 128 kbps, it takes one minute to upload a 1 MB file.

Applicants should be aware of the difference between an actual upload speed (from the workstation to the platform) and the maximum speed displayed by an Internet Service Provider. Telecom operators' Internet access offers are generally asymmetrical bandwidth access offers. This means that upload bandwidth (i.e. from the user's workstation to the Internet) is usually significantly (between 5 and 10 times) lower than download bandwidth (i.e. from the Internet to the user's workstation).